

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE MANUEL ARCINIEGA,)	
)	2:94-cr-251-GEB-GGH
Petitioner,)	2:08-cv-1240-GEB-GGH
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

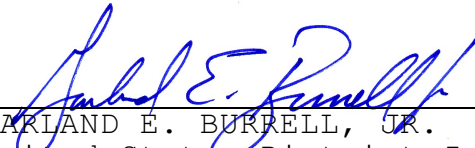
Pending in the above-referenced criminal action is a motion Pro Se Petitioner Alvaro Domarco-Sanchez filed on January 13, 2006 (docket number 299), of which I just became aware was pending in September 2008, and a motion Pro Se Petitioner Jose Manuel Arciniega filed on June 5, 2008 (docket number 302); Petitioner Arciniega's motion is also pending in the above-referenced civil action. Petitioner Arciniega's motion was referenced to the magistrate judge as a 28 U.S.C. 2255 motion; that reference is withdrawn.

Each petitioner seeks to have his sentence reduced, arguing that sentencing enhancements should not have been used.

///

1 However, since neither petitioner has shown entitlement to a
2 sentence reduction, each motion is denied.

3 Dated: September 29, 2008

4 
5 _____
6 GARLAND E. BURRELL, JR.
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28